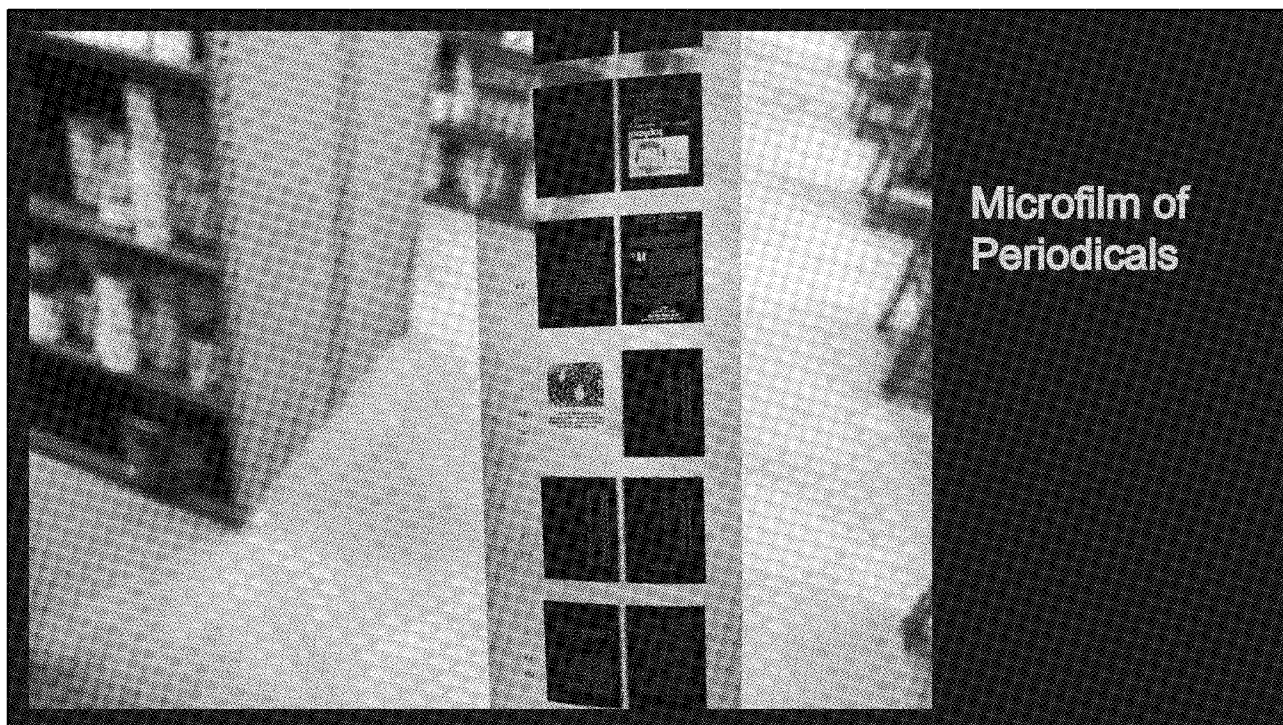


# Weber Declaration

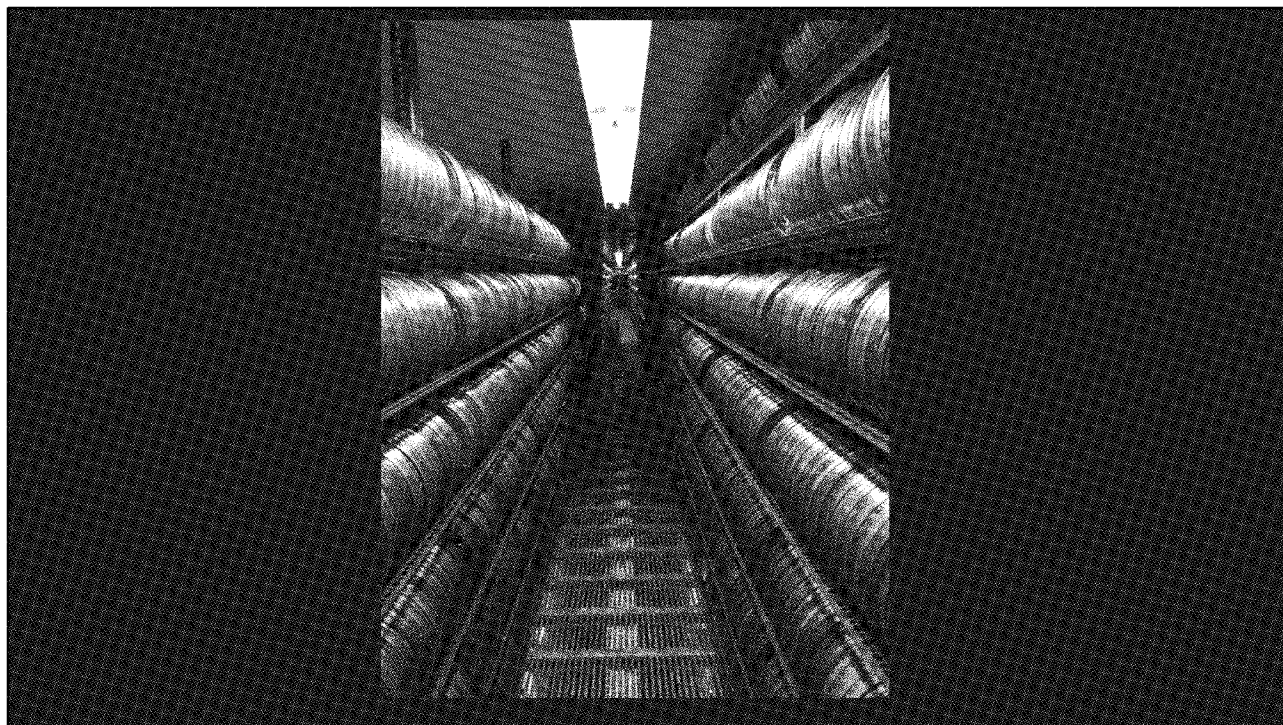
## Exhibit 13

### Part 2

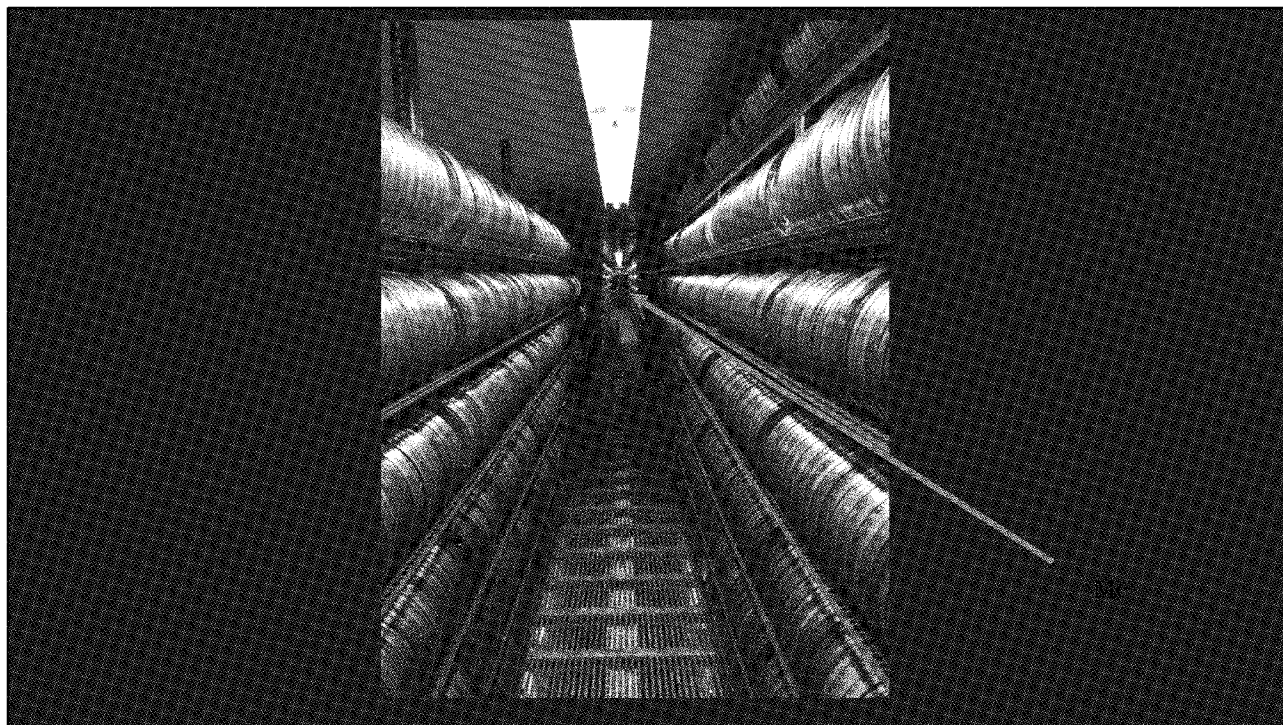


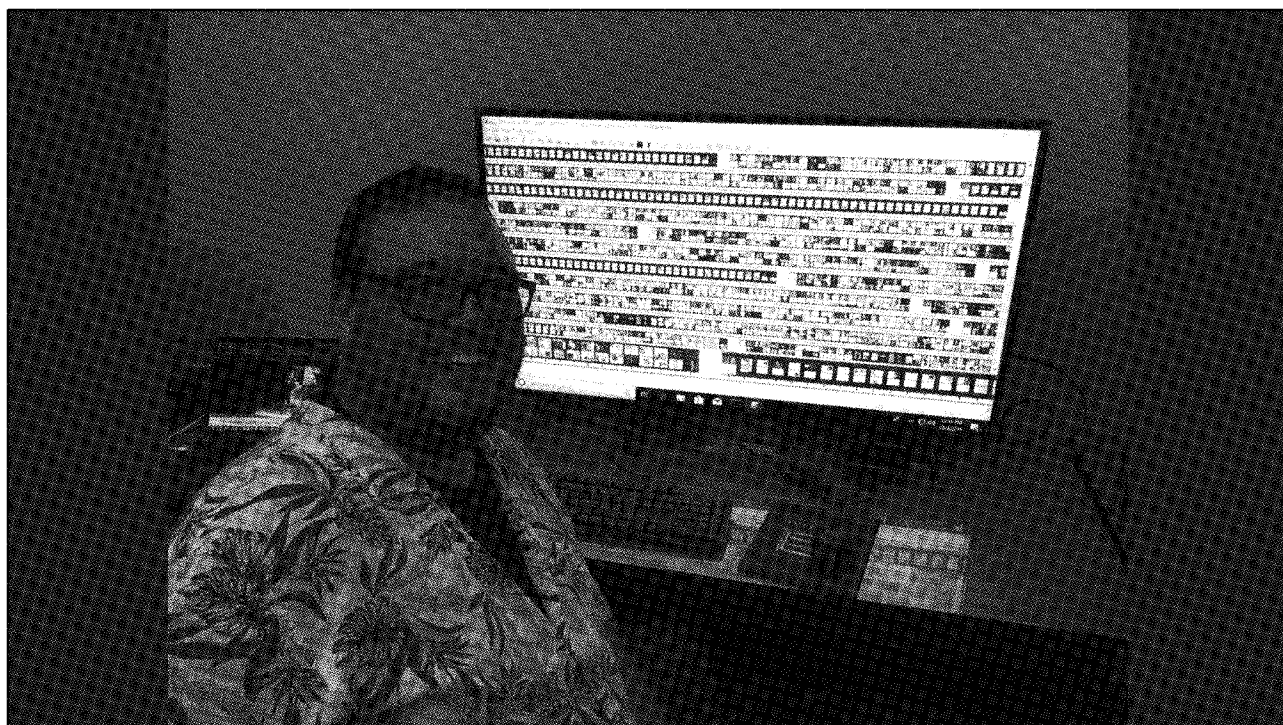
SHOW THE MICROFILM HERE: Show and tell











We need your help with serials!

# Appeal

- Endorse CDL
- Join Open Libraries
- Donate materials
- Help us with direction on serials



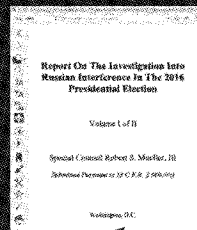


# Expanding the World of Linked Resources

(or... weaving books into the Web, etc.)

Mark Graham  
Director, the Wayback Machine

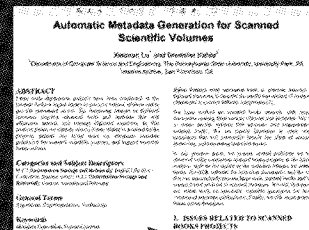
# Expanding the World of Linked Resources



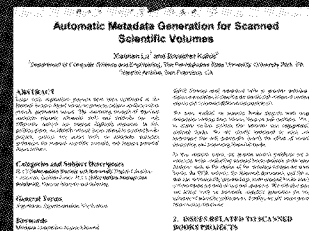
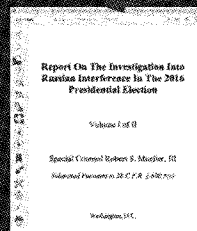
Books



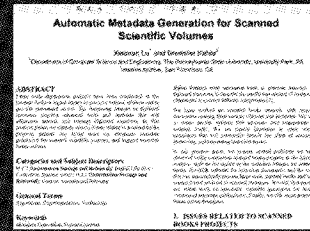
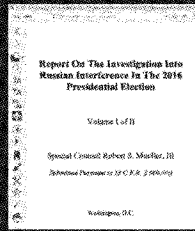
Web



Papers



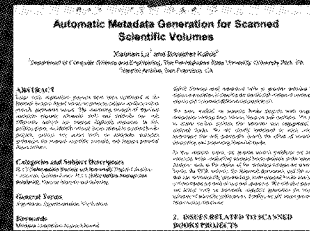
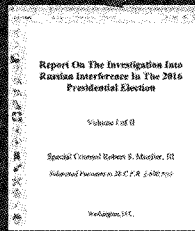
# Web to Books, Web and Papers



## Books

## Web

## Papers





## Added Links to Four Wikipedia Sites

Language	Total number of links to books added	Number of unique books linked to	Total number of unique books with ISBNs that are cited
English	122,271	43,423	1,211,395
Greek	2,190	1,414	46,024
Arabic	3,942	2,659	65,509
Bosnian	443	342	7,592

## Opportunities to add more links to books cited in Wikipedia articles

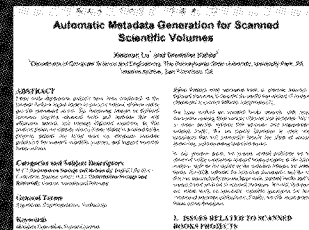
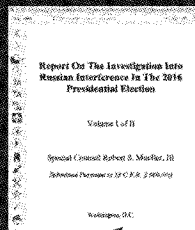
Books that are cited in Wikipedia articles but

- Have ISBNs but not in standard citation format
- No ISBNs but in standard citation format
- No ISBNs and not in standard citation format

No books are cited with claims in articles

Existing links are to Google Books, but only metadata

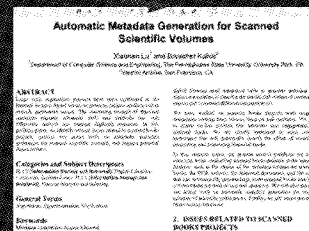
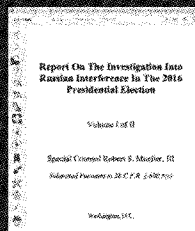
# Books to Books, Web, Papers



Books

Web

Papers



## Added 747 Links to the Mueller Report

<sup>80</sup> *Signs Show the Problem Continues*, Washington Post (Jan. 19, 2019).

<sup>81</sup> Twitter, "Update on Twitter's Review of the 2016 US Election" (updated Jan. 31, 2018); Twitter also reported identifying 50,258 automated accounts connected to the Russian government, which tweeted more than a million times in the ten weeks before the election.

<sup>82</sup> Twitter, "Update on Twitter's Review of the 2016 US Election" (updated Jan. 31, 2018).

<sup>83</sup> 8/20/16 Facebook Message ID 100009923908461 (Matt Skiber) to ID PP [REDACTED]

<sup>84</sup> See, e.g., 7/21/16 Email, jordan.tond04@gmail.com to PP [REDACTED]; 7/21/16 Email, jordan.tond04@gmail.com to Personal Privacy [REDACTED]

<sup>85</sup> @march\_for\_trump 6/25/16 Tweet (posting photos from rally outside Trump Tower).

<sup>86</sup> Instagram ID: 2228012168 (Stand For Freedom) 11/3/15 Post ("Good evening buds! Well I am planning to organize a confederate rally [...] in Houston on the 14 of November and I want more people to attend.").

<sup>87</sup> The pro-Trump rallies were organized through multiple Facebook, Twitter, and email accounts. (IAEN). See, e.g., Facebook ID 100009923908461 (Matt Skiber); Facebook ID 1601683691432389 (Being Patriotic); Twitter Account @march\_for\_trump, beingpatriotic@gmail.com. (Rallies were organized in New York on June 25, 2016; Florida on August 20, 2016, and Pennsylvania on October 2, 2016.)

<sup>88</sup> Harm to Ongoing Matter [REDACTED]

<sup>89</sup> Harm to Ongoing Matter [REDACTED]

<sup>90</sup> 3/11/16 Facebook Advertisement ID 6045078289928, 5/6/16 Facebook Advertisement [REDACTED]



## Added links to new .epub version of the Mueller Report

Partnered with Digital Public Library of America (DPLA)

Originally published with 2,390 Footnotes, but only 14 links

Archived videos, Tweets, Documents, Web pages

Added 733 Links to those archived resources (for a total of 747 links)

Published as Digital Book with DPLA

## Expanding to the Bigger Picture

Moving beyond Wikipedia (books, academic papers, Web)

Moving beyond books (academic papers, Web-based documents, music)

The evolution of how books are used (on demand, and selected subsets)

## Opportunities: How you can help?

Advance partnership with more sources of books (e.g. libraries and other unique collections)

Advance partnerships with platforms and processes (e.g. Amazon, US Government Printing office, Congress)

Contribute to software development - coders welcomed!

Help us get native Browser integration (support for links that are external to media objects)

## Some Next Steps

Enhance InternetArchiveBot to handle less well oiled books

Get approval to run the InternetArchiveBot on more Wikipedia sites

Advance the use of archive URLs and links to digital books, with various publishing systems (Amazon, Congress, US Government Printing Office)

Go deeper than the page - address and highlight paragraphs or sentences



Questions  
Suggestions  
Advice

**How can my library  
participate?**

## Steps to participate in Open Libraries

Join Open Libraries

## Open Libraries

[Join](#) [Learn more](#) [Libraries](#) [Accessibility](#) [Diversity](#) [Preservation](#) [Trust](#) [People](#)

### Join Open Libraries

Libraries that are interested in lending digital books to their patrons should join Open Libraries and contribute to the community of practice we are building together.

By joining Open Libraries, libraries can identify the overlap in their physical holdings with our digital holdings and provide free digital books to patrons where there are matches. Additionally, libraries can add their holdings into Open Libraries to increase lending counts. Leading public, academic, and special libraries have already signed on and are lending copies through Open Libraries today.

To join Open Libraries, please complete our online form.

<http://openlibraries.online/join/>



 INTERNET ARCHIVE

## Agreement to participate in Open Libraries

\*Required

Email address \*

Your email address

Your Name \*

Your answer

## Steps to participate in Open Libraries

Join Open Libraries

Share your catalog

Overlap study

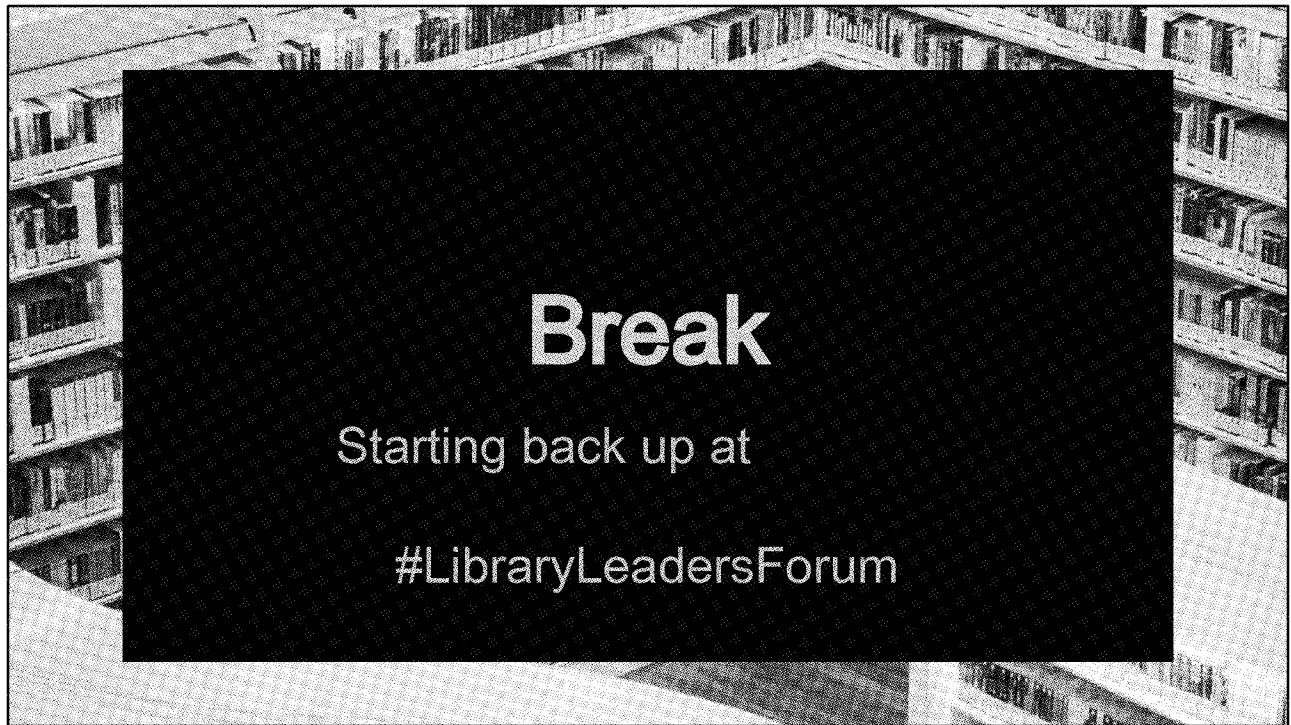
Integrate links back into your catalog

Lend digital books to your patrons

# Building a community of practice

Introducing Caralee Adams  
&  
Roll call of participating libraries

Introduce Caralee Adams





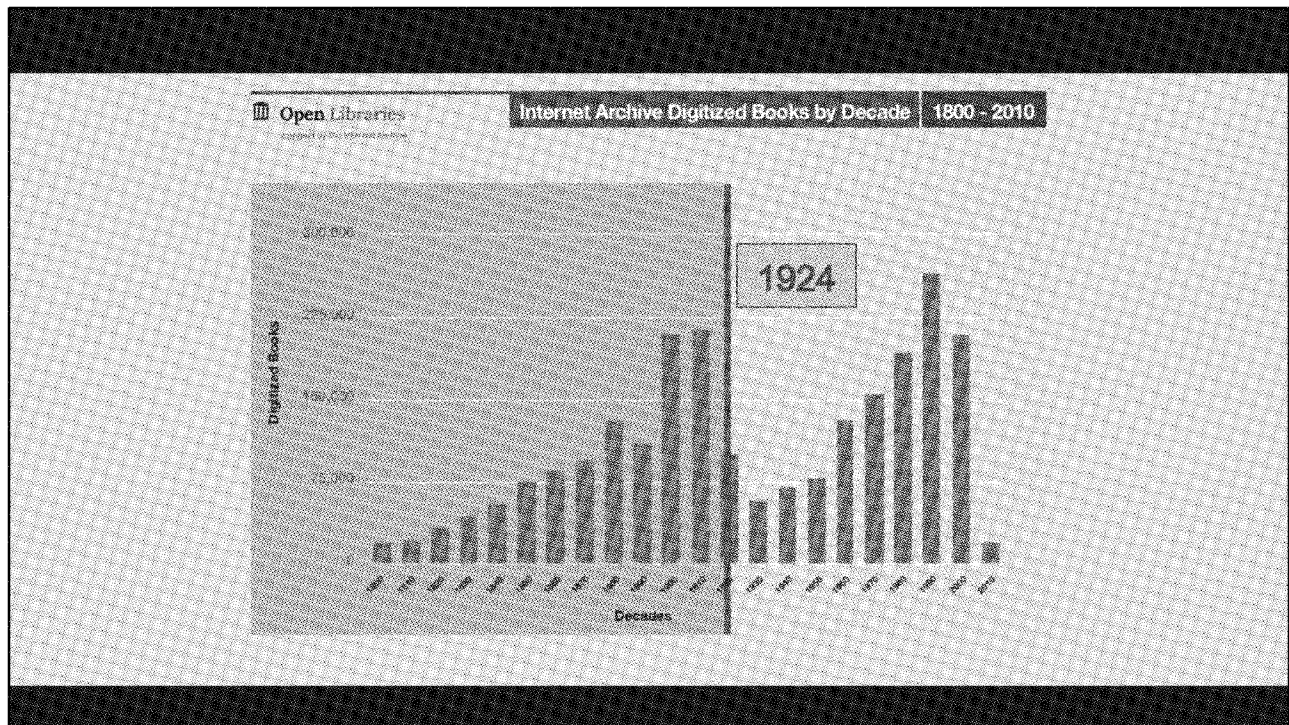


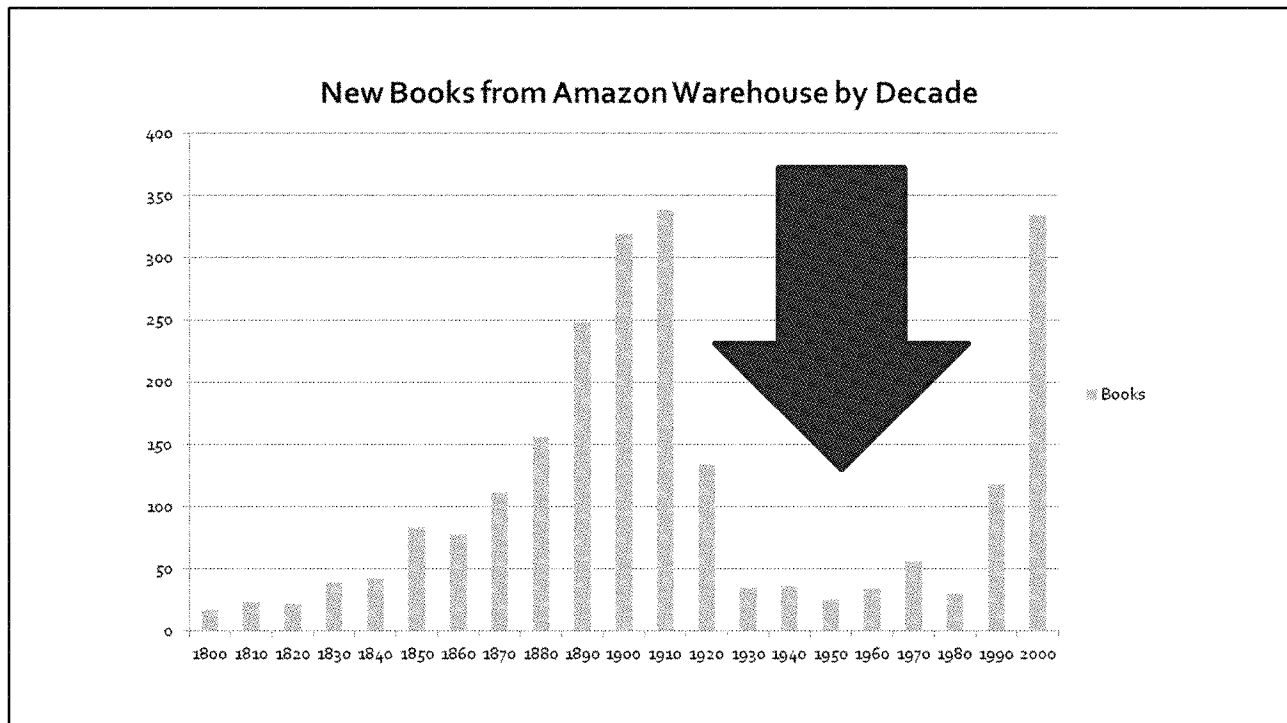
# Controlled Digital Lending: *The Legal Tell-All*

Kyle K. Courtney  
Copyright Advisor  
Harvard Library

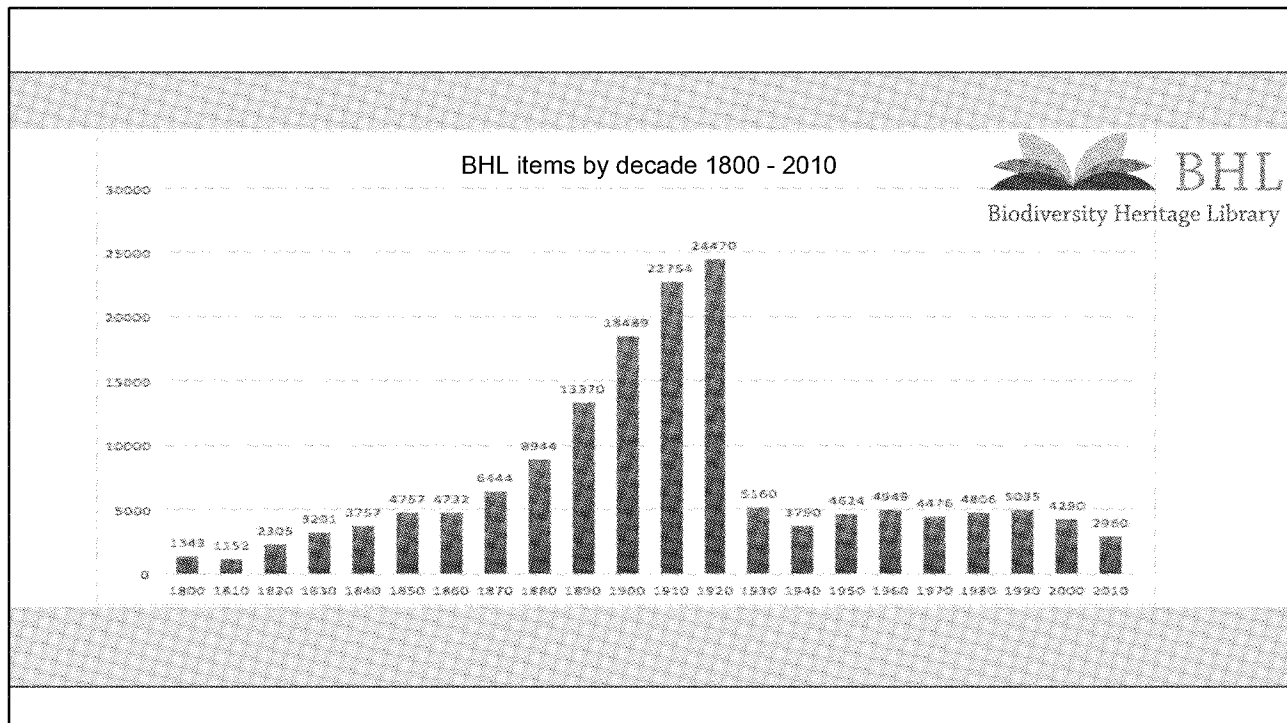
David R. Hansen  
Assoc. University Librarian & Lead  
Copyright & Info Policy Officer  
Duke University Libraries

Michelle M. Wu  
Associate Dean for Library  
Services & Professor of Law  
Georgetown Law

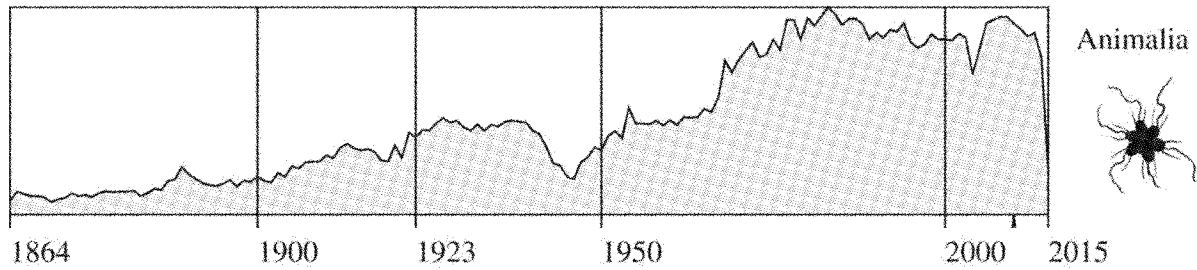








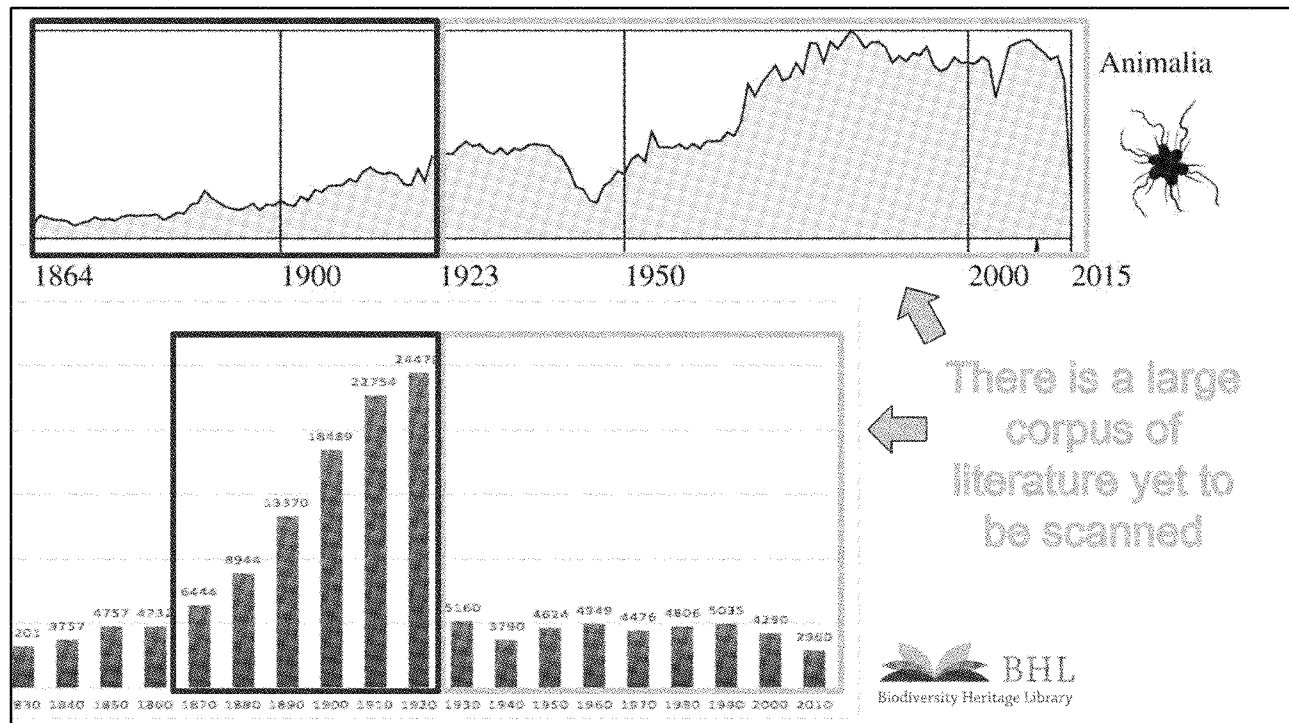
## Number of new animal names published since 1864



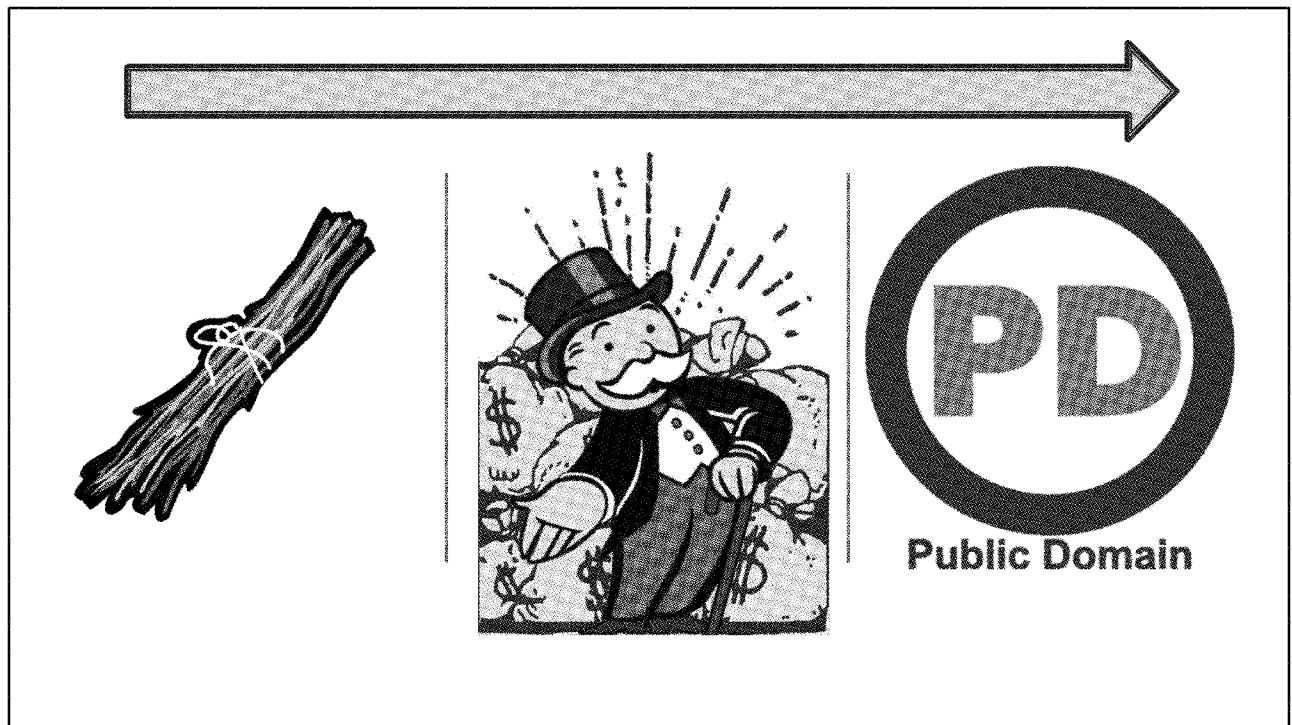
Trends of numbers of new names published each year for animals as a whole, and various taxonomic groups based on data in *Index to organism names* (ION) and BioNames (1923 is the year most published works became out of copyright in the USA). Animal pictures are from <http://phylopic.org>, and are either in the public domain or available under a Creative Commons CC-BY licence (Hymenoptera by Melissa Brousseau; Nematoda by Michelle Site).

*Index to organism names* (ION) and *BioNames* (1923 is the year most published works became out of copyright in the USA). Animal pictures are from <http://phylopic.org>, and are either in the public domain or available under a Creative Commons CC-BY licence (Hymenoptera by Melissa Brousseau; Nematoda by Michelle Site).

<http://rstb.royalsocietypublishing.org/content/371/1702/20150334>









CHAPTER 1—SUBJECT MATTER AND SCOPE OF COPYRIGHT	
Definition of rights	Sec. 101. Definitions.
	102. Subject matter of copyright: In general.
	103. Subject matter of copyright: Compilations and derivative works.
	104. Subject matter of copyright: National origin. Copyright in restored works.
	105. Subject matter of copyright: United States Government works.
Fair use!	106. Exclusive rights in copyrighted works.
	106A. Rights of certain authors to attribution and integrity.
	107. Limitations on exclusive rights: Fair use.
	108. Limitations on exclusive rights: Reproduction by libraries and archives.
	109. Limitations on exclusive rights: Effect of transfer of particular copy or phonorecord.
Limitations & exceptions	110. Limitations on exclusive rights: Exemption of certain performances and displays.
	111. Limitations on exclusive rights: Secondary transmissions of broadcast programming by cable.
	112. Limitations on exclusive rights: Ephemeral recordings.
	113. Scope of exclusive rights in pictorial, graphic, and sculptural works.
	114. Scope of exclusive rights in sound recordings.
	115. Scope of exclusive rights in nondramatic musical works: Compulsory license for making and distributing phonorecords.
	116. Negotiated licenses for public performances by means of coin-operated phonorecord players.
	(116A. Renumbered.)
	117. Limitations on exclusive rights: Computer programs.
	118. Scope of exclusive rights: Use of certain works in connection with noncommercial broadcasting.
	119. Limitations on exclusive rights: Secondary transmissions of distant television programming by satellite.
	120. Scope of exclusive rights in architectural works.
	121. Limitations on exclusive rights: Reproduction for blind or other people with disabilities.
	122. Limitations on exclusive rights: Secondary transmissions of local television programming by satellite.



## Statutory Copyright Exceptions

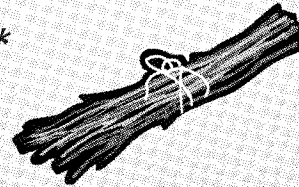
---

*A statutory exemption* allows individuals to exercise one of the exclusive rights of copyright

- without obtaining the permission of the copyright owner, and
- without the payment of any license fee

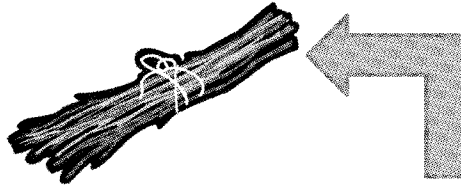
## Exclusive Rights under ©

- to reproduce the work
- to prepare derivative works
- *to distribute copies of the work\**
- to perform the work publicly
- to display the work publicly




## Language of Copyright Exceptions

17 USC §109 First Sale:



**“Notwithstanding the provisions of section 106(3),** the owner of a particular copy or phonorecord lawfully made under this title ...is entitled, without the authority of the copyright owner, to sell or otherwise dispose of the possession of that copy...”

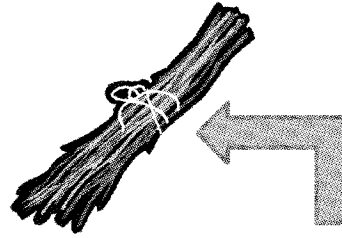
<p>Courts have protected first sale and the secondary market</p>	<ul style="list-style-type: none"><li>•1908: Case about control of copyright eliminating the secondary market</li><li>•Supreme Court described this as "hateful to the law from Lord Coke's day to ours, <b>because it is <i>obnoxious to the public interest.</i></b>"</li></ul>	 A black and white portrait of Sir Edward Coke, a prominent English jurist and politician. He is depicted from the chest up, wearing a dark, high-collared garment with a large, white, ruffled Elizabethan collar. He has a serious expression and is looking slightly to the right of the viewer.
--	---	---

Prosecutor of Guy Folkes and the Gunpowder plot conspirators  
Wrote the Institutes of the Laws of England - foundational document of the common law



## §107: Fair Use Doctrine

Preamble to fair use statute:



**“Notwithstanding the provisions of sections 106...the fair use of a copyrighted work...for purposes such as **criticism, comment, news reporting, teaching, scholarship, or research**” is not an infringement of copyright.”**

## Modern Transformative Fair Use

### Four Factors of Fair Use:

- (1) the purpose and character of the use;
- (2) the nature of the copyrighted work;
- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work.

### Development of Transformative Fair Use

- (1) Does the use **transform the material**, by using it for a **different purpose**?
- (2) Was the **amount taken appropriate** to the new purpose?

# Fair Use Meets First Sale

The Legalities of Controlled Digital Lending

## Controlled Digital Lending Elements

- Legitimately owned copy
- “Own to Loan Ratio”
- Digital Rights Management

## Purpose and Character of Use

- Possibly transformative
- Not commercial
- Underlying purpose is the same as the exhaustion doctrine
- No additional copy is being used



## **Nature of & Amount Used of Work**

- Largely neutral
- Context dependent

## Market Effect

- Library owns a legitimate copy of the book
- The digital copy substitutes for the owned copy
- Same damage as using its acquired item
  - Technology

